

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: HEIDI V. COOK AKA: HEIDI V. LUNA

Debtor(s)

CHARLES J. DEHART, III

CHAPTER 13

CHAPTER 13 TRUSTEE

Movant

vs.

CASE NO: 5-19-05256-RNO

HEIDI V. COOK AKA: HEIDI V. LUNA

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on July 7, 2020, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on March 24, 2020.
2. A hearing was held and an Order was entered on June 3, 2020, denying plan confirmation.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.

Id: 47613

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

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Debtor(s)

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-19-05256-RNO

NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
Courtroom #2
197 S. Main Street
Wilkes Barre, PA

Date: August 19, 2020

Time: 09:30 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: July 7, 2020

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on July 7, 2020, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

DAVID S. GELLERT, ESQUIRE
3506 PERKIOMEN AVENUE
READING, PA 19606-

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

HEIDI V. COOK
219 SOUTH STREET
MINERSVILLE, PA 17954

Served by 1st Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: July 7, 2020

Respectfully,
Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.